

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1248

MARK ANTHONY ESPOSITO,

Plaintiff - Appellant,

and

AMERICA ONLINE LATINO,

Plaintiff,

versus

VERISIGN, INCORPORATED; NETWORK SOLUTIONS,
INCORPORATED,

Defendants - Appellees,

and

AMERICA ONLINE, INCORPORATED; DOTSTER,
INCORPORATED; INKTOMI CORPORATION,

Defendants.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T. S. Ellis III, District
Judge. (CA-03-362-A)

Submitted: July 29, 2004

Decided: August 3, 2004

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Anthony Esposito, Appellant Pro Se. Shari Claire Lewis,
RIVKIN RADLER, L.L.P., Uniondale, New York; Timothy Brooks Hyland,
LEFFLER, HYLAND, P.C., Fairfax, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Mark Anthony Esposito seeks to appeal the district court's order permanently enjoining him from utilizing a web name likely to confuse the public. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was filed on August 1, 2003, and entered on the docket on August 7, 2003.* The notice of appeal was filed on February 24, 2004. Because Esposito failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

*Esposito does not challenge on appeal the district court's contempt order, which was filed January 22, 2004, and entered January 23, 2004.